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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,820	10/19/2001	Patrice Onno	1807.1864	7592

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NEW YORK, NY 10112

EXAMINER

ROSARIO, DENNIS

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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11/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/981,820	ONNO, PATRICE	
	Examiner	Art Unit	
	Dennis Rosario	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8,10,13,16-20,24,25 and 30-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,19 and 33 is/are rejected.
- 7) ☒ Claim(s) 8,10,13,16-18,20,24,25,30-32 and 34-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment was received on 10/12/07. Claims 1,2,8,10,13,16-20,24,25 and 30-41 are pending.

Response to Arguments

2. Applicant's arguments filed 10/12/07 on page 20 of the REMARKS have been fully considered but they are not persuasive and states:

“...the Examiner agreed that if independent Claim 1 were amended to recite that the deciding step was performed by a circuit at the decoding side, the Examiner would remove *Nister* as prior art against claims 1,2,3,19 and 20.”

Upon further consideration of claim 1's limitation of "deciding, by a circuit," the examiner believes that *Nister* still does anticipate claim 1 since claim 1 does not clearly state who or what is actually deciding. Given that *Nister* is a user based decision at the coding and/or the decoding side, a user that is by or at a decoding computer (fig. 1, num. 107) which corresponds to the claimed circuit wherein the user is making the decision by or at the decoding computer anticipates claim 1's "deciding, by a circuit".

If claim 1 included "the deciding step was performed by a circuit", then the decision is clearly being performed by a circuit and not a user at the circuit performing a decision by or at the circuit. Thus, given that claim 1 does not clearly define who or what is deciding, the rejection of *Nister* is maintained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,2 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Nister et al. (US Patent 6,775,412 B1).

Regarding claim 19, Nister discloses a device for processing a coded digital signal having a set of different types obtained by coding a set of original samples representing during physical quantities and a set of information representing original samples and parameters used the coding, comprising:

- a) means for determining a subset of samples (fig. 1, num. 109) corresponding to a selected part of the original digital signal using the set of information;
- b) means for obtaining a number of samples (fig. 1,num. 105) of at least one predetermined type and which are contained in the determined subset of samples; and
- c) at a decoding side, means for deciding whether or not to modify (fig. 1, num. 107) the determined subset of samples before restoring the selected part of the original signal, the decision being made according to the obtained number of samples of the at least one predetermined type and according to a required level of quality, and

d) means for restoring (fig. 2a,num. 203) the selected part of the original signal.

Regarding claim 1, Nister discloses a method of processing a coded digital signal including a set of samples of different types obtained by coding a set of original samples representing physical quantities, and including a set of information representing original samples and parameters used during the coding, said method including the steps of:

a) determining a subset of samples (fig. 3a-3e) corresponding to a selected part (via fig. 1,num. 109) of the original digital signal using the set of information;

b) obtaining a number of samples (via fig. 2b, num. 255 that is a function of number "n" that corresponds to a coefficient) of at least one predetermined type and which are contained in the determined subset of samples; and

c) deciding (via "he/she" in col. 7, line 25), by a circuit (see paragraph 2, above) at the decoding side, whether or not to modify the determined subset of samples ("change the form, size and location of the region of interest" in col. 7, lines 12,13) before restoring the selected part of the original signal (since the region of interest, roi, "can...be speci-fied...at any stage of the transmission" in col. 3, lines 29-31;thus, the roi can be specified or changed while in transit via line 105 of fig. 1), the decision being made, according to the obtained number of samples of the at least one predetermined type (as was previously determined in fig. 2b,num. 255 that corresponds to fig. 1,num. 101) and according to a required level of quality (since with respect to a user, "a better visual quality of this part of the image is therefore desired" in col. 1, lines 42,43 which corresponds to said user that desires to change said form, size and location of the region of interest. Note that a distinction appears to exist between Nister and the instant application since the instant application's modification appears to be automatic while Nister's modification is based on a user.).

Regarding claim 2, Nister discloses the method according to claim 1, which said determining, obtaining, and deciding steps are effected on reception of a request (as represented in fig. 1 as num. 105) to obtain the part of the coded digital signal.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nister et al. (US Patent 6,775,412 B1) in view of Lynch et al. (US Patent 6,381,280 B1).

Regarding claim 33, Nister does not disclose claim 33, but teaches that a "program" in col. 7, line 21 can be used. Thus, Nister suggests to one of ordinary skill in the art of programs to use a system to execute the program.

Lynch teaches such a system to execute programs as shown in fig. 12 and the remaining limitations of claim 19 of

- a) a microprocessor (fig. 12,num. 902),
- b) a read only memory (fig. 12,num. 906) containing a program for processing the coded digital signal, and
- c) a random access memory (fig. 12,num. 908) containing registers adapted to record variables modified during the execution of said program.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Nister's program with Lynch's system, because Lynch's system is "well known" in col. 14, line 31.

Allowable Subject Matter

7. Claims 8,10,13,16-18,20,24,25 and 30-32 and 34-41 are allowed. .
8. The following is a statement of reasons for the indication of allowable subject matter:

Claims 8,10,13,20,24 and 25 are allowable for the same reasons as claims 8,10,13 of the office action of 5/7/07 all of which is incorporated herein. Thus, dependent claims 16-18 and 30-32 and 34-41 are allowable for depending on an allowable parent claim.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Andrew (US Patent 6,163,626) is pertinent as teaching a method of a decision (fig. 6, numerals 604,608 and 616) of the claimed decoder side (fig. 6,num. 622 and fig. 5, num. 508) that is based on a region (fig. 5,num. 506) and a number of samples (or "region size" in fig. 6, num. 608. This reference is applicable to claim 1.

Suzuki et al. (US Patent 5,481,553) is pertinent as teaching a method of a decision (fig. 8,num. 21) on a decoding side (fig. 8,num. 14) that is based on a region or group of pictures relative to all the pictures and a number of samples (fig. 8,num. 20). This reference is applicable to claim 1.

Hartung et al. (US Patent 5,309,232) is pertinent as teaching a method of a "selective modification of the subband samples in the decoder" in col. 9, lines 1,2.\

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario whose telephone number is (571) 272-7397. The examiner can normally be reached on 9-5.

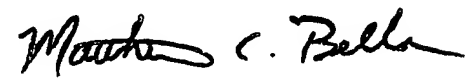
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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